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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-----------------------|---------------------|------------------|
| 09/893,693 | 06/29/2001 | Richard A. Watson JR. | 06975-088001 | 4959 |
| 26171 | 7590 | 03/22/2006 | EXAMINER | |
| FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022 | | | | COFFY, EMMANUEL |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2157 | |

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|--------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/893,693 | WATSON, RICHARD A. |
| | Examiner | Art Unit |
| | Emmanuel Coffy | 2157 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 January 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 30-55 is/are pending in the application.
 - 4a) Of the above claim(s) 41 and 45 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 30-52 is/are rejected.
- 7) Claim(s) 53-55 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

Response to Amendment

1. This action is responsive to the election filed on January 13th, 2006.

Applicant elects claims 30-55. They represent a Method of “Enabling Communications of Electronic Data Between an Information Requestor and a Geographically Proximate Service Provider.” Claims 41 and 45 are cancelled.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

2. Applicant's arguments with respect to the new claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 30-34, 36-37, 39-46 and 48-49 directed to a method are rejected under 35 USC 102(e) as being anticipated by Logan et al. (US 6,578,066).

Logan teaches in a peer hand-off process, a switch receives domain name server lookup request for a particular virtual Internet Protocol (VIP) domain name. The switch examines the source IP-address for the domain name server request, examines the source IP-address for the domain name server request, examines the user's IP-address, and determines if there is a server site that is geographically close to that user. (See abstract).

Claim 30

Logan teaches a method for enabling electronic communications, between the Internet and a client system comprising: (See Fig. 1 (102), (104))

receiving, at a primary communications system, a request to access the Internet network that is directed to the primary communication system, wherein the request is issued by an online identity operating the client system: (See col. 4, lines 47-51.) (the distributed server switch (108) represents a primary communications system, a domain name server query represents a request to access a communications network, client (102) represents an online identity operating a client system see col. 3, lines 41-45; see also Fig. 1.)

processing the request at the primary communication system; (See col. 4, lines 52-56.)

identifying, based on the processed request, a secondary communications system that is more optimally suited for providing Internet access to the client's system

than the primary communications system; and (See col. 4, line 59- col. 5, line 17;
especially col. 5, lines 14-17- "healthiest, more closely located..." meaning optimally
suited ..." see also col. 9, line 54-col. 10, line 15, Table VI.)

enabling configuration of the client system to direct subsequent Internet access
requests from the client system and to use the secondary communications system as
an access point to the Internet for subsequent data communications between the client
system and the Internet, such that the subsequent data communications between the
client and the Internet pass through the secondary communications system. (See col. 4,
line 60 – *the client is then able*; see also col. 5, line 3-5 – *each switch must enable*
client access...) (See col. 3, lines 42-45 – "redundancy" as understood by "such that the
subsequent data communications between the client and the Internet pass through the
secondary communications system"; col. 5, lines 38-45 – "HTTP redirect" as understood
by "subsequent data communications between the client system and the Internet"; See
also col. 6, lines 4-13.)

Claim 31:

Logan teaches the method of claim 30, wherein processing the request further comprises:

authenticating the online identity or the client system at the primary communications system.

As for above claim, "Official Notice" is taken that authenticating a user is well known and expected in the art. It would have been obvious to authenticate the online identity or the client system at the primary communications system since it is a well

known and established process in the art.

Claim 32:

Logan teaches the method of claim 30, further comprising enabling configuration of the client system to direct data communications, which are from the client system and subsequent to access by the client system, to the secondary communications system.

(See col. 4, line 59-col. 5, line 17.)

Claim 33:

Logan teaches the method of claim 30, wherein access to the Internet is granted to the client system by the primary communications system. (See col. 4, line 59-col. 5, line 2.)

Claim 34:

Logan teaches the method of claim 30, wherein access to the Internet is granted to the client system by the secondary communications system. (See col. 5, lines 3-6.)

Claim 36:

Logan teaches the method of claim 32, further comprising determining whether responses to data communications can be satisfied by electronic data stored in a cache at the secondary communications system. (See col. 4, lines 7-10.)

Claim 37:

Logan teaches the method of claim 32, further comprising performing filtering of data communications at the secondary communications system. (See col. 10, lines 6-35.)

(*the weigh-in process represents filtering of data.*)

Claim 39:

Logan teaches the method of claim 30, wherein the primary communications system is

an online access provider. (See Fig. 1 and col. 3, lines 42-45.)

Claim 40:

Logan teaches a method for enabling electronic communications with the Internet at a client system, comprising: (See Fig. 1)

submitting a request to access a communications network that is directed to a primary communications system, wherein the request is issued by an online identity operating the client system; See col. 4, lines 47-51.) (the distributed server switch (108) represents a primary communications system, a domain name server query represents a request to access a communications network, client (102) represents an online identity operating a client system see col. 3, lines 41-45; see also Fig. 1.)

receiving from the primary communications system, an indication of a secondary communications system that is more geographically proximate to the geographic location of the client system than the primary communications system; (See col. 4, line 59- col. 5, line 17; see also col. 9, line 54-col. 10, line 15, Table VI.)

reconfiguring the client system to submit future access requests to the secondary communications system based on the indication received; (See col. 4, line 60 – the client is then able; see also col. 5, line 3-5 – each switch must enable client access...))

submitting future requests to access the Internet from the client system to the secondary communications system. (See col. 4, lines 66-col. 5, line 2.)

reconfiguring the client system to direct communications to the Internet, which are subsequent to access from the client system, to the secondary communications system. (See col. 5, lines 38-45 – “HTTP redirect”; See also col. 6, lines 4-13.)

Claim 42:

Logan teaches a method for enabling electronic communications between a client and the Internet at a secondary communications system that is more geographically proximate to a geographic location of the client system than a primary communications system, comprising: (See col. 4, lines 47-51 and Fig. 1.)

receiving an indication from a primary communications system to process to access the Internet requests that are issued by an online identity operating a client system, where the access requests are configured to enable access to the Internet; and (See col. 4, line 59- col. 5, line 17; see also col. 9, line 54-col. 10, line 15, Table VI.)

based on the indication received, reconfiguring the secondary communications system to process requests to access the Internet from the client system; and (See col. 4, lines 60-col. 5, line 10.)

subsequent to Internet access by the client system through the secondary communications system, receiving data communications at the secondary communications system. (See col. 5, lines 38-45 – “HTTP redirect”; See also col. 6, lines 4-13.)

Claim 43:

Logan teaches the method of claim 42, further comprising processing access requests at the secondary communications system. (See col. 4, lines 66-col. 5, line 2.)

Claim 44:

Logan teaches the method of claim 43, wherein processing access requests further comprises: authenticating the online identity or the client system at the primary

communications system.

As for above claim, "Official Notice" is taken that authenticating a user is well known and expected in the art. It would have been obvious to authenticate the online identity or the client system at the primary communications system since it is a well known and established process in the art.

Claim 46:

Logan teaches the method of claim 43, wherein access to the Internet is granted to the client system by the secondary communications system. (See col. 5, lines 3-6.)

Claim 48:

Logan teaches the method of claim 45, further comprising determining whether responses to data communications can be satisfied by electronic data stored in a cache at the secondary communications system. (See col. 4, lines 7-10.)

Claim 49:

Logan teaches the method of claim 45, further comprising performing filtering of data communications at the secondary communications system. (See col. 10, lines 6-35.)
(the weigh-in process represents filtering of data.)

Claim 51:

Logan teaches the method of claim 30, wherein processing the request further comprises determining a geographic location associated with at least one of the online identity and the client system, and wherein the geographic location is used as a basis for configuring the client system to direct subsequent Internet access requests from the client system. See col. 9, line 54-col. 10, line 65.

Claim 52:

Logan teaches the method of claim 30, wherein processing the request further comprises accessing a demographic profile of the online identity. See col. 9, line 54-col. 10, line 65.

Claim 53:

The method of claim 52, wherein the demographic profile includes client-preferred routing paths.

This claim is objected to for depending upon a rejected claim.

Claim 54:

The method of claim 52, wherein the demographic profile includes software version of the client.

This claim is objected to for depending upon a rejected claim.

Claim 55:

The method of claim 52, wherein the demographic profile includes the type of communication equipment used for Internet access by the client system.

This claim is objected to for depending upon a rejected claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 35 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al. '066 in view of Loehndorf, Jr. et al. (US 6,094,437).

Claims 35 and 47:

Logan substantially teaches the method of claims 32 and 43 as discussed above. Logan does not specifically teach further comprising encapsulating data communications in a tunneling protocol at the secondary communications system.

However, Loehndorf teaches Tunneling protocol in extenso. (See col. 1, lines 42-54 in particular, however, the entire document is asserted against the application at bar.)

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the use of hand-off process disclosed by Logan with tunneling as taught by Loehndorf because tunneling would allow non-IP networks to communicate over the World Wide Web.

7. Claims 38 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al. '066 in view of Raciborski. et al. (US 6,658,000).

Claims 38 and 50:

Logan substantially teaches the method of claim 37 and 49 as discussed above. Logan does not specifically teach wherein the filtering is performed according to contents filtering. However, Raciborski teaches contents filtering in extenso. (See abstract in particular, however, the entire document is asserted against the application at bar.)

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the use of hand-off process disclosed by Logan with

contents filtering as taught by Raciborski because contents filtering enhance QoS by providing a user access to desired contents without extensive search.

CONCLUSION

8. THIS ACTION IS MADE FINAL.

Applicant's addition of new claims (amendment) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Coffy whose telephone number is (571) 272-3997. The examiner can normally be reached on 8:30 - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Emmanuel Coffy
Patent Examiner
Art Unit 2157

***EC
March 7, 2006



ABIO ETIENNE
PRIMARY EXAMINER